

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

8 ANDREW CONE, )  
9 Plaintiff, ) 2:12-cv-01284-JCM-CWH  
10 vs. )  
11 JOHN DOES, *et al.*, )  
12 Defendants. )  
/

14 Plaintiff, who is in the custody of the Nevada Department of Corrections, has filed an  
15 amended civil rights complaint pursuant to 42 U.S.C. § 1983 (ECF No. 6) and an application to  
16 proceed *in forma pauperis* (ECF No. 1). Based on the financial information provided, the court finds  
17 that plaintiff is unable to prepay the full filing fee in this matter. Therefore,

IT IS ORDERED as follows:

- 19 1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is **GRANTED**; no  
20 initial partial filing fee toward the full filing fee of three hundred fifty dollars  
21 (\$350.00) shall be required. However, even if this action is dismissed, the full filing  
22 fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

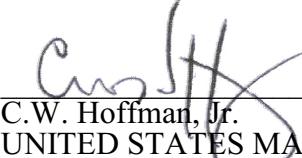
23 2. The plaintiff is permitted to maintain this action to conclusion without the necessity  
24 of prepayment of any additional fees or costs or the giving of security therefor. This  
25 order granting leave to proceed *in forma pauperis* shall not extend to the issuance of  
26 subpoenas at government expense.

- 1       3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall pay  
2                  to the Clerk of the United States District Court, District of Nevada, 20% of the  
3                  preceding month's deposits to plaintiff's account (inmate #1082144), in the months  
4                  that the account exceeds \$10.00, until the full \$350.00 filing fee has been paid for this  
5                  action. The Clerk of the Court shall **SEND** a copy of this order to the Finance  
6                  Division of the Clerk's Office. The Clerk shall also **SEND** a copy of this order to the  
7                  attention of the Chief of Inmate Services for the Nevada Department of Corrections,  
8                  P.O. Box 7011, Carson City, NV 89702.
- 9        4. The Clerk shall electronically **SERVE** a copy of this order and a copy of plaintiff's  
10                 complaint on the Office of the Attorney General of the State of Nevada, attention  
11                 Pamela Sharp.
- 12      5. The Attorney General's Office shall advise the Court within **twenty-one (21) days** of  
13                 the date of the entry of this order whether it can accept service of process for the  
14                 named defendants. As to any of the named defendants for which the Attorney  
15                 General's Office cannot accept service, the Office shall file, *under seal*, the last  
16                 known address(es) of those defendant(s).
- 17      6. If service cannot be accepted for any of the named defendant(s), plaintiff shall file a  
18                 motion identifying the unserved defendant(s), requesting issuance of a summons, and  
19                 specifying a full name and address for said defendant(s).
- 20      7. If the Attorney General accepts service of process for any named defendant(s), such  
21                 defendant(s) shall file and serve an answer or other response to the complaint within  
22                 **sixty (60) days** from the date of this order.
- 23      8. Henceforth, plaintiff shall serve upon defendant(s) or, if an appearance has been  
24                 entered by counsel, upon their attorney(s), a copy of every pleading, motion or other  
25                 document submitted for consideration by the Court. Plaintiff shall include with the  
26                 original paper submitted for filing a certificate stating the date that a true and correct

copy of the document was mailed to the defendants or counsel for the defendants. If  
counsel has entered a notice of appearance, the plaintiff shall direct service to the  
individual attorney named in the notice of appearance, at the address stated therein.  
The Court may disregard any paper received by a district judge or magistrate judge  
which has not been filed with the Clerk, and any paper received by a district judge,  
magistrate judge, or the Clerk which fails to include a certificate showing proper  
service.

**IT IS SO ORDERED.**

DATED: May 23, 2013.

  
C.W. Hoffman, Jr.  
UNITED STATES MAGISTRATE JUDGE